

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NOELY PALENCIA and MARVIN)	
PALENCIA,)	
)	
Plaintiffs,)	
)	
v.)	No.
)	
ST. ALEXIUS MEDICAL CENTER,)	Judge
MIDWEST OBSTETRICS &)	
GYNECOLOGY, S.C., MICHAEL J.)	Formerly Case No. 2016 L 5658
RIERMAIER, M.D., J.D., S.C.,)	Circuit Court of Cook County, Illinois
MARGARET NETTLETON, M.D.,)	
MICHAEL RIERMAIER, M.D., and)	
CANDYCE GEARHART, R.N.,)	
)	
Defendants.)	

**NOTICE OF REMOVAL OF A CIVIL ACTION AND
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To: Dorothy Brown	Kristina K. Green
Clerk of the Circuit Court	Kralovec, Jambois & Schwartz
Richard J. Daley Center, Room 1001	60 West Randolph Street, 4th Floor
50 West Washington Street	Chicago, Illinois 60601
Chicago, Illinois 60602	
Sherri M. Arrigo	
Donohue Brown Mathewson & Smyth LLC	
140 South Dearborn Street, Suite 800	
Chicago, Illinois 60603	

The United States, by its attorney, Zachary T. Fardon, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to 42 U.S.C. § 233, and in support thereof states the following:

1. On June 7, 2016, plaintiffs Noely Palencia and Marvin Palencia commenced the above civil action against Margaret Nettleton, M.D., and Michael Riermaier, M.D., of the Greater

Elgin Family Care Center, and others, alleging medical malpractice. A copy of the state court complaint is attached as Exhibit A. For purposes of this lawsuit, the Greater Elgin Family Care Center is a private entity that receives grant money from the Public Health Service pursuant to 42 U.S.C. § 233. *See* Exhibit B. In addition, Margaret Nettleton, M.D., and Michael Riermaier, M.D., were acting within the scope of their employment at the Greater Elgin Family Care Center with respect to the incidents referred to in the complaint. *Id.*

2. This notice of removal is filed in accordance with 42 U.S.C. § 233 upon certification by the designee of the Attorney General of the United States that the Greater Elgin Family Care Center was a private entity receiving grant money from the Public Health Service and that defendants Margaret Nettleton, M.D., and Michael Riermaier, M.D., were acting within the scope of their employment at the Greater Elgin Family Care Center with respect to the incidents referred to in the complaint. Exhibit B.

3. This notice of removal may be filed without bond at any time before trial. 42 U.S.C. § 233(c). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General's designee and the filing of this notice of removal, under 28 U.S.C. § 233(c), this civil action, as to Margaret Nettleton, M.D., and Michael Riermaier, M.D., is deemed an action against the United States, and the United States is substituted as the sole federal party defendant in place of defendants Margaret Nettleton, M.D., and Michael Riermaier, M.D.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois, is properly removed to this court pursuant to 42 U.S.C. § 233, and the United States is substituted as the defendant in lieu of Margaret Nettleton, M.D., and Michael Riermaier, M.D.

Respectfully submitted,

ZACHARY T. FARDON
United States Attorney

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